

Appl. No. : 10/755,703
Filed : January 12, 2004

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REMARKS

In response to the Office Action mailed April 17, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claim Rejection - 35 U.S.C. § 112

Claims 52-55 stand rejected under 35 U.S.C. § 112, first paragraph, the Examiner maintaining that the claims fail to comply with the written description requirement. In particular, the Examiner notes the description of "anatomical forces." Applicant respectfully directs the Examiner to Figure 1 and the arrow labeled "Blood Pressure," which illustrates a distally directed anatomical force. In the illustrated embodiments, the prosthesis includes a unitary zig-zag configuration in which a length of wire extends between the axial segments. As shown in Figure 4, the axial segments comprise a bend 60 that is positioned between divergent strut sections that form an angle α . With this structure, a distal force (e.g., force applied downwardly to the bend 60) will cause the divergent strut angle α to increase causing the prosthesis to expand. This is inherent in the structure of the axial segments. The same inherent structure causes the structure to compress when axial tension is applied to the structure. That is, axial tension causes the structure to length and compress radially as the strut angle α decreases and axial compression causes the structure to shorten and expand as the strut angle α increases. The anatomical forces applied to the wire structure are transferred through the axial segments because of the unitary structure in which the wire extends through the axial segments and the segments are connected to each other through links.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejection - 35 U.S.C. § 102

Claims 52-55 are rejected under 35 U.S.C. 102(b) as anticipated by Pavcnik (US 2001/0039450). As noted above, Applicant respectfully submits that the pending claims have written description in the original application as filed and thus are entitled to the priority date of March 4, 1998. Accordingly, Pavnick is not prior art to the pending claims.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10-17-06

By: 

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AMEND

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